

01-28-02

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01/25/02
JC658 U.S. PTO

Practitioner's Docket No. 700953-047113-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey Schlom; Judith Kantor; Donald Kufe; Dennis Panicali, and Linda Gritz
Application No.: To be assigned (Con't of 09/366,670) Group No.: To be assigned
Filed: To be assigned (August 3, 1999) Examiner: To be assigned
For: RECOMBINANT POX VIRUS FOR IMMUNIZATION AGAINST MUC1
TUMOR-ASSOCIATED ANTIGEN

JC679 U.S. PTO
10/057136
01/25/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565093478US in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231.

Date: January 25, 2002

Nicole M. Gignac

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

1. Type of Application

This transmittal is for a continuation application.

2. Benefit of Prior U.S. Applications (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATIONS CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

41 Pages of Specification
3 Pages of Claims
5 Sheets of Drawings

B. Other Papers Enclosed

1 Page of abstract

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4. Additional Papers Enclosed

1. Preliminary Amendment
2. Information Disclosure Statement (37 C.F.R. 1.98)
3. Form PTO-1449 (PTO/SB/08A and 08B)
4. Sequence Listing Transfer

5. COPY of Declarations or Oaths

Enclosed and executed by Jeffrey Schlom; Judith Kantor; Donald Kufe; Dennis Panicali, and Linda Gritz.

6. Language

English

7. Assignment

Assignments of the invention have been recorded as follows:

1. Assignee: Therion Biologics Corporation
Assignors: Dennis Panicali and Linda Dr. Linda Gritz
Recordation Date: 12/27/1999
Reel/Frame: 010462/0226
2. Assignee: Dana-Farber Cancer Institute
Assignors: Donald Kufe
Recordation Date: 12/27/1999
Reel/Frame: 010462/0215
3. Assignee: Department of Health and Human Services, United States of America, The
National Institutes of Health
Assignors: Judith Kantor and Jeffrey Schlom
Recordation Date: 12/09/1999
Reel/Frame: 010894/0927

7. Petition for Extension of Time

Attached please find a copy of a Petition for a 2-month extension which is being filed concurrently in the USPTO under separate cover.

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8. Fee Calculation (37 C.F.R. Section 1.16)

Regular Application	Small Entity	Other Than A Small Entity
	\$370.00	\$740.00
Basic Fee: \$740.00		

<u>Claims</u>	Present <u>Extra</u>	<u>Rate</u>	Addit. <u>Fee</u>	<u>OR</u>	Other Than A <u>Small Entity</u>	Addit. <u>Fee</u>
Total: 20	Minus 20	= 0	x \$9 =		x \$18 =	\$ 00.00
Indep.: 4	Minus 3	= 1	x \$42 =		x \$84 =	\$ 84.00
[] 1st Presentation Multiple Dependent Claim			+ \$140		+280 =	\$ 00.00
	Total				Total	
	Addit. Fee = \$			<u>OR</u>	Addit. Fee = \$	84.00

Total Filing Fee: \$ 824.00

*** Please note that claim 1 remains in the initial filing and is included in the payment of fees and that a subsequent preliminary amendment is enclosed canceling claim 1.**

9. Fee Payment Being Made at This Time

Enclosed

Filing Fee	\$ 824.00
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Total Fees Enclosed	\$ 824.00
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10. Method of Payment of Fees

Check in the amount of \$ 824.00 is attached.

11. Instructions as to Deficiencies/Overpayment

Please charge any deficiencies or credit any overpayments to Deposit Account No. 50-0850.

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12. Relate Back

***Preliminary Amendment enclosed.**


A. 35 U.S.C. Section 119(e)

Amend the specification by inserting, before the first line, the following sentence:

"The following application is a continuation of U.S. Serial No. 09/366,670 filed on August 3, 1999, which is a continuation of PCT/US98/03693 filed on February 24, 1998, now abandoned, which claimed benefit under 35 U.S.C. §119 of U.S. Provisional Application 60/038,254 filed on February 24, 1997."

Date: 1/25/02

Customer No. 26770



David S. Resnick (Reg. No. 34,235)
Lana A. Shvartsman (Reg. No. 48,502)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
Tel. (617) 345-6057

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REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the PCT International Search Report; or
- (3) after the period defined in (1) but before the mailing date of a **Final Rejection or Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection or Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached Forms PTO/SB/08A and PTO/SB/08B be made of record in this application. Copies of these documents (CHECK ONE):

- are enclosed herewith; or
- X have been cited in the parent application, and are thus not being resubmitted herein.

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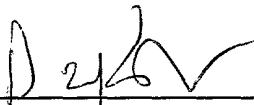
FEE AUTHORIZATION

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Date: January 25, 2002

Respectfully submitted,

Customer No.: 26770



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Assistant Commissioner for Patents
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EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EL565093478US

Date of Deposit: January 25, 2002

I hereby state that the following *attached* papers and fees:

1. New Application Transmittal – Continuation Application (4 pp.);
2. Copy - Petition for Extension of Time (1 pg.);
3. Continuation Application (49 pp.): Spec. 41 pp.; Claims 3 pp.; Drawings 5 pp. and Abstract 1pg.;
4. Preliminary Amendment with Version to Show Marked Changes (8 pp.);
5. COPY – Declarations executed by J. Schlom, J. Kantor, D. Kufe, D. Panicali and L. Gritz (15 pp.);
6. Transfer of Sequence Listing (1 pg.);
7. Information Disclosure Statement (3 pp.);
8. PTO/SB/08A (1 pg.);
9. PTO/SB/08B (1 pg.);
10. Check - \$824.00;
11. Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Nicole M. Gignac

Signature of person mailing paper or fee

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TRANSFER OF SEQUENCE LISTING

The computer readable form in this application is identical with that filed in U.S.S.N. 09/366,670, filed August 3, 1999. In accordance with 37 C.F.R. 1.82(e), please use the computer readable form filed December 22, 1999, in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used in the instant application.

In accordance with 37 C.F. R. §§ 1.821 – 1.825, I hereby state that the content of the paper, computer readable copies of the sequence listing submitted in accordance with 37 C.F.R. § 1.8219(c) and (e) on December 22, 1999, respectively, are the same. I hereby state that the submission filed in accordance with 37 C.F.R. § 1.82(g), does not introduce new matter.

Date: January 25, 2002

Customer No.: 26770


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